

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

CLAYTON GERROD HAIRSTON,

Plaintiff,

v.

CIVIL ACTION NO. 1:13-22178

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Before Magistrate Judge Eifert could submit her Findings and Recommendation to the court, defendant filed an uncontested motion to remand this case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings as outlined in defendant's unopposed motion to remand.

Given that defendant's motion to remand is uncontested, the court hereby **VACATES** the referral to Magistrate Judge Eifert and orders as follows:


1. Defendant's Motion to Remand is **GRANTED**;
2. The final decision of the Commissioner is **REVERSED**
or **VACATED**;

3. The case is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings as outlined in the motion to remand; and
4. This Clerk is directed to remove this case from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record and to Magistrate Judge Eifert.

IT IS SO ORDERED this 6th of February, 2014.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge